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NOTICE OF ALLOWANCE AND FEE(S) DUE

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08/07/2009

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER

OBEID, MAMON A

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 08/07/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,911	10/22/2003	Koichi Maari		6383

TITLE OF INVENTION: METHOD OF CONTROLLING DIGITAL CONTENT DISTRIBUTION, A METHOD OF REPRODUCING DIGITAL CONTENT, AND AN APPARATUS USING THE SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	11/09/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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P.O. Box 1450
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

530 7590 08/07/2009

**LERNER, DAVID, LITTENBERG,
 KRUMHOLZ & MENTLIK
 600 SOUTH AVENUE WEST
 WESTFIELD, NJ 07090**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	11/09/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
OBEID, MAMON A	3621	705-052000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 650 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 650 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/690,911

Applicant(s)

MAARI, KOICHI

Examiner

MAMON OBEID

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/13/2009.
2. ☒ The allowed claim(s) is/are 38-42 and 48-52.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/046,693.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Continued Examination Under 37 C.F.R. §1.114

1. A request for continued examination ("RCE") under 37 C.F.R. §1.114, including the fee set forth in 37 C.F.R. §1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 C.F.R. §1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 C.F.R. §1.114. Applicant's submission filed on April 13, 2009 has been entered.

Acknowledgements

2. This communication is in response to the RCE noted above and further in response to the telephone and e-mail communications with Applicants representative Lawrence E. Russ made on July 14, 2009 ("July 14 Communication").

3. Further, claims 43- 47 have been canceled by Applicants in the July 14 Communication.

4. Therefore, claims 38- 42 and 48-52 are pending.

Examiner's Amendment

5. An Examiner's amendment to the record appears below. Should the changes and/or additions by unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. §1.312. To ensure consideration of such amendment, it must be

submitted no later than the payment of the issue fee.

6. Authorization for this Examiner's amendment was given in the July 14

Communication.

7. The application has been amended as follows:

1. - 37. (cancelled)

38. (currently amended) A method for distribution of content, the method comprising:

receiving, from a user terminal, a request that includes content specifying information which specifies the content desired by a user;

transmitting the content specifying information to a content provider;

obtaining the specified content from the content provider;

encrypting the specified content using a content key;

adding a content ID of the specified content to the encrypted content;

transmitting the encrypted content and the added content ID through the user terminal to a player apparatus;

generating a use condition associated with the content ID for specifying use of the specified content in accordance with the use condition; and

at a time subsequent to the transmitting of the encrypted content and the added content ID through the user terminal to the player apparatus,

receiving, ~~in response to the user attempting to reproduce the~~
encrypted content using the player apparatus, a request for the content
key and the use condition from the player apparatus through the user
terminal, the request including the content ID,

in response thereto, transmitting the content key and the use
condition through the user terminal to the player apparatus.

receiving, from the player apparatus through the user terminal, an
encoded message confirming that the player apparatus has received the
content key and the use condition, and

decoding the encoded message ~~thereby confirming~~ that the player
apparatus has received the content key and the use condition.

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39. (previously presented) The method according to claim 38, further
comprising generating the content key.

40. (previously presented) The method according to claim 38, further
comprising compressing the specified content.

41. (previously presented) The method according to claim 38, further
comprising encrypting the content key prior to the transmitting of the content key so that
an unauthorized apparatus is unable to decrypt the encrypted content.

42. (previously presented) The method according to claim 38, further comprising:

executing a process to share a session key with the user; and

encrypting the use condition using the session key prior to the transmitting of the use condition.

43. – 47. (cancelled)

48. (currently amended) A system for administering distribution of content, the system comprising:

an administration center programmed to receive, from a user terminal, a request that includes content specifying information which specifies the content desired by a user, transmit the content specifying information to a content provider, obtain the specified content from the content provider, encrypt the specified content using a content key, add a content ID of the specified content to the encrypted content, transmit the encrypted content and the added content ID through the user terminal to a player apparatus, and generate a use condition associated with the content ID for specifying use of the specified content in accordance with the use condition;

the administration center being further programmed to, at a time subsequent to the transmitting of the encrypted content and the added content ID through the user terminal to the player apparatus, receive a request for the

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content key and the use condition from the player apparatus through the user terminal, the request including the content ID when the user wishes to reproduce the encrypted content using the player apparatus, and in response thereto, transmit the content key and the use condition through the user terminal to the player apparatus, receive, from the player apparatus through the user terminal, an encoded message confirming that the player apparatus has received the content key and the use condition, and decode the encoded message thereby confirming that the player apparatus has received the content key and the use condition.

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49. (currently amended)The system according to claim 48, wherein the administration center is further programmed to generate the content key.

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50. (currently amended)The system according to claim 48, wherein the administration center is further programmed to compress the specified content.

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51. (currently amended)The system according to claim 48, wherein the administration center is further programmed to encrypt the content key before transmitting the content key so that an unauthorized apparatus is unable to decrypt the encrypted content.

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52. (currently amended)The system according to claim 48, wherein the administration center is further programmed to execute a process to share a session key with the user, and encrypt the use condition using the session key before the transmitting unit transmits the use condition.

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Allowable Subject Matter

8. Claims 38-42 and 48-52 are allowed.
9. The priority date for the application is March 26, 1997.
10. The following is a statement of reasons for the indication of allowable subject matter.
11. The prior art of record:
 - a. Ginter et al, US Patent No. 5,892, 900 ("Ginter").
 - b. Stefik et al, US Patent No. 5,629,980, ("Stefik").
 - c. Petrie, Jr et al. U.S. Patent No. 5,509,071, ("Petrie").
12. Ginter generally discloses a VDE which provides a unified solution that allows all content creators, providers, and users to employ the same electronic rights protection solution. Under authorized circumstances, the participants can freely exchange content and associated content control sets. This means that a user of VDE may, if allowed, use the same electronic system to work with different kinds of content having different sets of content control information. The content and control information supplied by one group can be used by people who normally use content and control information supplied by a different group. VDE can allow content to be exchanged "universally" and users of

an implementation of the present invention can interact electronically without fear of incompatibilities in content control, violation of rights, or the need to get, install, or learn a new content control system.

13. Stefik generally discloses a system for controlling use and distribution of digital works. The owner of a digital work attaches usage rights to that work. Usage rights are granted by the "owner" of a digital work to "buyers" of the digital work. The usage rights define how a digital work may be used and further distributed by the buyer. Each right has associated with it certain optional specifications which outline the conditions and fees upon which the right may be exercised. Digital works are stored in a repository. A repository will process each request to access a digital work by examining the corresponding usage rights. Digital work playback devices, coupled to the repository containing the work, are used to play, display or print the work. Access to digital works for the purposes of transporting between repositories (e.g. copying, borrowing or transfer) is carried out using a digital work transport protocol. Access to digital works for the purposes of replay by a digital work playback device (e.g. printing, displaying or executing) is carried out using a digital work playback protocol.

14. Petrie generally discloses a system for use in an electronic cryptosystem for providing a sender with electronic proof of receipt by an intended recipient of an electronic artifact is disclosed. The process is initiated by the recipient's requesting an artifact from the sender, who then obtains the recipient's transmission key and separately encrypts the requested artifact and an acknowledgment such that they are decryptable with first and second strictly private keys, respectively, known to and

controlled by the sender. Next, the sender encrypts the encrypted artifact and encrypted acknowledgment together using the transmission key such that the message is decryptable only with a third strictly private key known to and controlled by the recipient, and transmits the encrypted message to the recipient. The recipient decrypts the message to recover the encrypted artifact, as well as the encrypted acknowledgment which is returned to the sender. The sender decrypts the acknowledgment using the second strictly private key to verify receipt by the recipient of the encrypted artifact and then sends the first strictly private key to the recipient to enable decryption of the encrypted artifact. Additionally, at least one alternative embodiment is disclosed for enabling a sender to prove to third parties that the intended recipient in fact received the requested artifact.

15. Regarding the claimed terms, the Examiner notes that a "general term must be understood in the context in which the inventor presents it." *In re Glaug*, 283 F.3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found on pages 1-116 of the specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term "is susceptible to various meanings, the inventor's lexicography must prevail" *Id.* Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.

16. The references Ginter, Stefik and Petrie disclose as previously discussed. The references however do not teach at least receiving, from the player apparatus through the user terminal, an encoded message confirming that the player apparatus has received the content key and the use condition, and decoding the encoded message thereby confirming that the player apparatus has received the content key and the use condition. Therefore, the claims of the instant application are not obvious over Ginter, Stefik and Petrie for the reasons given above. Yet even if the missing claimed elements were found in a reasonable number of references, a person of ordinary skill in the art at the time the invention was made would *not* have been motivated to include these elements in Ginter, Stefik and Petrie because: the combination Ginter, Stefik and Petrie are not concerned with the communication between a user player apparatus and a remote administration center through a user terminal. Additionally, the combination Ginter, Stefik and Petrie clearly destroys the intent and purpose of Ginter taken alone and/or in view of Stefik and/or Petrie use of, for example, secure metering means for budgeting and/or auditing electronic content and/or appliance usage. Accordingly, the present invention is also distinguishable over Ginter taken alone and/or in view of Stefik and Petrie.

17. Therefore, the limitations lacking in the prior art, in combination with the other limitations clearly claimed for patent, are novel and unobvious.

18. Foreign prior art and NPL search was conducted however no relevant prior art was found.

19. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "comments on statement of reasons for allowance".

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mamon Obeid whose telephone number is (571) 270-1813. The Examiner can normally be reached on Mon-Fri 9:30 AM- 6:00 PM.

21. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Art Unit: 3621

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mamon Obeid
Examiner
Art Unit: 3621
July 15, 2009

/ANDREW J. FISCHER/

Supervisory Patent Examiner, Art Unit 3621